IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

RP.No. 165 of 2007()

AGAINST THE JUDGEMENT IN MFA.1002/1998 Dated 02/12/2005

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REVIEW PETITIONER/3RD RESPONDENT

NEW INDIA ASSURANCE COMPANY LIMITED,
TRIPURI BUILDING, EAST NADAKAVU,
CALICUT, REPRESENTED BY ITS ADMINISTRATIVE
OFFICER, REGIONAL OFFICE, KANDAMKULATHY TOWERS,
M.G.ROAD, KOCHI-682 011.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: APPELLANT & RESPONDENTS 1 & 2

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1. A.SUKUMARI, AGED 26 YEARS,
W/O.VELAYUDHAN, ETTANKULAM HOUSE,
P.O.KARUVANTHIRUTHY, VIA.FEROKE, CALICUT.

2. C.M.KRISHNAN KUTTY, AGED 24 YEARS,
S/O.CHANDRAN, CHIRATTUTTU MALAYIL HOUSE,
KOODATHUMPOIL, MAKKADA (DELETED).

3. BALAN, S/O.BAPPUTTY VAIDYAR,
THAZHATTEYIL, MANDILEDATH, (PRASHANTH HOUSE),
ERANHIPALAM, CALICUT. (DELETED).

BY FOR R1, ADV. SRI.JACOB ABRAHAM

THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 27/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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Review Petition No. 165 of 2007 (A)

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Dated this the 27th day of March, 2007

O R D E R

The submission of the counsel for the review petitioner, the New India Assurance Company Ltd., is that an amount of Rs.15,000/- had already been paid to the first respondent, claimant, in the claim petition. The prayer of the review petitioner is that the said amount may be allowed to be adjusted towards the total amount due to the claimant.

2. The learned counsel for the claimant, the first respondent, concedes that an amount of Rs.15,000/- had been deposited by the review petitioner. The Tribunal is directed to release the said amount, on the claimant moving for the same.

3. The above amount of Rs.15,000/- shall be adjusted towards the total amount due to the claimant, and the deposit made, by the review petitioner, as per the direction of this Court, in the judgment dated 02/12/2005, shall be made accordingly. The counsel for the review petitioner further

submits that an amount of Rs.33,000/- had already been deposited.

4. The Motor Accidents Claims Tribunal, Kozhikode, shall hear both sides and pass orders releasing the amount due to the claimant, deposited by the review petitioner, and, if any further amount is due, as per the judgment of this Court, the same shall be directed to be deposited and released accordingly.

Review petition is closed as above.

(J.M.JAMES)
Judge

ms